



**Prepared Statement by**  
**Governor Peter Garcia, Jr.**  
**Ohkay Owingeh**  
**Before**  
**The New Mexico Indian Affairs Committee**  
**November 28, 2017**  
**at Ohkay Owingeh**

Good Morning (in Tewa). I am Peter Garcia, Jr., Governor of Ohkay Owingeh. I want to welcome the Co-chairs and members of the committee to the Pueblo and thank you for the opportunity to address you this morning.

Ohkay Owingeh sits at the confluence of the Rio Grande and Rio Chama, both of which meet at the center of our Pueblo. The two sources of water are the life-blood of Ohkay Owingeh and are the heart of our cultural history and community. We have long been hunters and farmers, worked the land, and continue to do since time immemorial.

Ohkay Owingeh lies at the heart of the Espanola Valley with in Rio Arriba County and borders the City of Espanola and the communities of Alcalde, Hernandez, Chamita, Guique, and more. It is because of our location that the Pueblo has always worked hard to foster positive relationships with its neighbors and to provide services and support to all people that live within its boundaries. Not only are the residents of the Espanola Valley our neighbors, they are our friends, relatives, and trusted employees.

The Pueblo operates its own Head Start program, day school, Boys and Girls Club, senior program, police and fire departments, utility, and other government programs that are open to ALL residents of the Espanola Valley, regardless of whether they are Tribal members.

Additionally, the Pueblo also provides water and wastewater to all residents of the community, as well as to surrounding communities. Ohkay Owingeh values the partnership forged between area governments and pueblos on the Northern New Mexico Waste Authority. Ohkay Owingeh is an active participant with the authority providing land, transfer stations, and office space to the authority.

In addition to Ohkay Owingeh's government services, the Pueblo also owns and operates Tsay Corporation. Between government and non-government employees, Ohkay Owingeh is responsible for employing 1,022 people, of which over 80% are non-tribal members. Tsay Corporation employs people in the gaming, retail, hospitality, construction, and government contracting sectors with employees in Rio Rancho, Espanola, Los Alamos, and other states as well as on the Pueblo itself.

In addition, the Pueblo has contracts with 195 in-state vendors spending approximately 12 million annually.

In sum, Ohkay Owingeh does more than pays its "fair share" in terms of the local community for services, contributions to the local and state economy. We take pride in helping our neighbors and working to build strong business relationships in the community.

It is against this backdrop that the Ohkay Owingeh Tribal Council and I have concerns over discussions by some in the Legislature that tribes don't contribute to the state, and seek to change or eliminate tribal-state agreements on taxes and the limited investment tribes receive from the state.

### Taxes

Unlike other states where tribes and state governments have been embroiled in litigation and disputes over taxes, New Mexico and tribes have reached agreements that eliminate dual taxation on tribal lands. These agreements have allowed Ohkay Owingeh to reinvest tax revenue into the community for needed infrastructure and government services. Ohkay Owingeh has financed the construction of its tribal government center with tax pledges through the New Mexico Finance Authority. The Pueblos uses other tax revenue for law enforcement, health care, education, and other vital government services.

We often hear state government say that business entities need "certainty" in tax policy. We are told that business can't be offered incentives one year, and then have them taken away the next. The same needs to be said for tribal communities and business interests, particularly given the number of jobs and economic activity we create throughout the state. Tribal governments and jobs are the bedrock of state of local economies and should be treated accordingly.

### Emergency Services

Likewise, we have concerns locally over disputes about 911 emergency services. Emergency 911 service is vital to the entire area. These services are paid for through wire and wireless phone charges imposed on ALL users –tribal and non-tribal alike. Local area governments, the legislature, and Public Regulation Commission need to continue to ensure that all residents continue to be served by this important service.

## Education

Funding for bilingual education and Indian education programs must remain a priority for the legislature. The loss of these funds and programs will severely impact native students' ability to learn and keep a pace with non-native students as well as diminish efforts by tribes to preserve cultural literacy and preserve our language.

## Health Care and Medicaid

We continue to be concerned about overall funding and access to health care for Native Americans. The promise of health care by the federal government has fallen woefully short. To supplement this funding and lack of care, Pueblos and individual Native Americans have had to turn more and more to Medicaid to provide adequate access to care for our members. We hope that you will continue to ensure that Native Americans retain their ability to access care through Medicaid.

We also share the concerns that have been raised by numerous groups over the impact of co-payments for Medicaid service. This will further act as an impediment to access to care for many Native Americans that already face hurdles to care such as travel, limited providers, and general resistance to modern care.

## Rights-of-Way

As a sovereign nation, the Pueblo has the right to impose fees or restrictions for rights-of-way on its land. First and foremost, the Pueblo will not impede access to a private land owner. The Pueblo believes that these disputes should be addressed between the Pueblo, County, City, and State and not impact individuals.

In terms of rights-of-way across Pueblo lands that impact not only members or residents of the Pueblo, but service other areas, the Pueblo has followed agreements that mirror those entered into with other municipalities to ensure that those served outside of the area, share the costs with local residents. Again, these fees are used to pay for services for all those who live within the Pueblo's boundaries.

## Water

The Pueblo is working with local governments and acequias to provide water certainty to the entire Northern valley. Again, the Pueblo's policy is to work with our neighbors both during times of plenty and, during times of scarcity, to ensure we can all continue to prosper.

While we continue to work with interested parties and the federal assessment team, the Pueblo is concerned about recent attempts at the Legislature to add "riders" to capital outlay

funds for Indian water rights settlements. These settlements are agreements between the federal government, state of New Mexico, and tribes, that need to be honored. The agreements should not be subjected to additional condition outside the federal law and judicial process.

### Conclusion

Ohkay Owingeh has a long history of working collaboratively with the state of New Mexico on a wide range of issues. We look forward to a continued strong and collaborative relationship that continues to build on trust and agreements that benefit the state and the Pueblo. I am happy to stand for any questions.

Water rights in Chama, Rio Grande, looking  
for expeditious settlement